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1ST SESSION

H. R. 2620

IN THE SENATE OF THE UNITED STATES

NOVEMBER 6, 2003

Received

AN ACT

To authorize appropriations for fiscal years 2004 and 2005
for the Trafficking Victims Protection Act of 2000, and
for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Trafficking Victims
3 Protection Reauthorization Act of 2003”.

4 **SEC. 2. FINDINGS.**

5 Congress finds the following:

6 (1) Trafficking in persons continues to victimize
7 countless men, women, and children in the United
8 States and abroad.

9 (2) Since the enactment of the Trafficking Vic-
10 tims Protection Act of 2000 (division A of Public
11 Law 106–386), the United States Government has
12 made significant progress in investigating and pros-
13 ecuting acts of trafficking and in responding to the
14 needs of victims of trafficking in the United States
15 and abroad.

16 (3) On the other hand, victims of trafficking
17 have faced unintended obstacles in the process of se-
18 curing needed assistance, including admission to the
19 United States under section 101(a)(15)(T)(i) of the
20 Immigration and Nationality Act.

21 (4) Additional research is needed to fully under-
22 stand the phenomenon of trafficking in persons and
23 to determine the most effective strategies for com-
24 bating trafficking in persons.

25 (5) Corruption among foreign law enforcement
26 authorities continues to undermine the efforts by

1 governments to investigate, prosecute, and convict
2 traffickers.

3 (6) International Law Enforcement Academies
4 should be more fully utilized in the effort to train
5 law enforcement authorities, prosecutors, and mem-
6 bers of the judiciary to address trafficking in per-
7 sons-related crimes.

8 **SEC. 3. ENHANCING PREVENTION OF TRAFFICKING IN PER-**
9 **SONS.**

10 (a) BORDER INTERDICTION, PUBLIC INFORMATION
11 PROGRAMS, AND COMBATING INTERNATIONAL SEX TOUR-
12 ISM.—Section 106 of the Trafficking Victims Protection
13 Act of 2000 (22 U.S.C. 7104) is amended—

14 (1) by redesignating subsection (c) as sub-
15 section (f);

16 (2) by inserting after subsection (b) the fol-
17 lowing new subsections:

18 “(c) BORDER INTERDICTION.—The President shall
19 establish and carry out programs of border interdiction
20 outside the United States. Such programs shall include
21 providing grants to foreign nongovernmental organizations
22 that provide for transit shelters operating at key border
23 crossings and that help train survivors of trafficking in
24 persons to educate and train border guards and officials,
25 and other local law enforcement officials, to identify traf-

1 fickers and victims of severe forms of trafficking, and the
2 appropriate manner in which to treat such victims. Such
3 programs shall also include, to the extent appropriate,
4 monitoring by such survivors of trafficking in persons of
5 the implementation of border interdiction programs, in-
6 cluding helping in the identification of such victims to stop
7 the cross-border transit of victims. The President shall en-
8 sure that any program established under this subsection
9 provides the opportunity for any trafficking victim who is
10 freed to return to his or her previous residence if the vic-
11 tim so chooses.

12 “(d) INTERNATIONAL MEDIA.—The President shall
13 establish and carry out programs that support the produc-
14 tion of television and radio programs, including documen-
15 taries, to inform vulnerable populations overseas of the
16 dangers of trafficking, and to increase awareness of the
17 public in countries of destination regarding the slave-like
18 practices and other human rights abuses involved in traf-
19 ficking, including fostering linkages between individuals
20 working in the media in different countries to determine
21 the best methods for informing such populations through
22 such media.

23 “(e) COMBATING INTERNATIONAL SEX TOURISM.—
24 “(1) DEVELOPMENT AND DISSEMINATION OF
25 MATERIALS.—The President, pursuant to such regu-

lations as may be prescribed, shall ensure that materials are developed and disseminated to alert travelers that sex tourism (as described in subsections (b) through (f) of section 2423 of title 18, United States Code) is illegal, will be prosecuted, and presents dangers to those involved. Such materials shall be disseminated to individuals traveling to foreign destinations where the President determines that sex tourism is significant.

“(2) MONITORING OF COMPLIANCE.—The President shall monitor compliance with the requirements of paragraph (1).

“(3) FEASIBILITY REPORT.—Not later than 180 days after the date of the enactment of the Trafficking Victims Protection Reauthorization Act of 2003, the President shall transmit to the Committee on International Relations of the House of Representatives and the Committee on Foreign Affairs of the Senate a report that describes the feasibility of such United States Government materials being disseminated through public-private partnerships to individuals traveling to foreign destinations.”; and

(3) in subsection (f) (as redesignated), by striking “initiatives described in subsections (a) and (b)”

1 and inserting “initiatives and programs described in
2 subsections (a) through (e)”.

3 (b) TERMINATION OF CERTAIN GRANTS, CONTRACTS
4 AND COOPERATIVE AGREEMENTS.—Section 106 of such
5 Act (as amended by subsection (a)) is further amended
6 by adding at the end the following new subsection:

7 “(g) TERMINATION OF CERTAIN GRANTS, CON-
8 TRACTS AND COOPERATIVE AGREEMENTS.—

9 “(1) TERMINATION.—The President shall en-
10 sure that any grant, contract, or cooperative agree-
11 ment provided or entered into by a Federal depart-
12 ment or agency under which funds described in
13 paragraph (2) are to be provided to a private entity,
14 in whole or in part, shall include a condition that au-
15 thorizes the department or agency to terminate the
16 grant, contract, or cooperative agreement, without
17 penalty, if the grantee or any subgrantee, or the
18 contractor or any subcontractor (i) engages in severe
19 forms of trafficking in persons or has procured a
20 commercial sex act during the period of time that
21 the grant, contract, or cooperative agreement is in
22 effect, or (ii) uses forced labor in the performance
23 of the grant, contract, or cooperative agreement.

24 “(2) ASSISTANCE DESCRIBED.—Funds referred
25 to in paragraph (1) are funds made available to

1 carry out any program, project, or activity abroad
 2 funded under major functional budget category 150
 3 (relating to international affairs).”.

4 **SEC. 4. ENHANCING PROTECTION FOR TRAFFICKING VIC-**
 5 **TIMS.**

6 (a) AMENDMENTS TO TRAFFICKING VICTIMS PRO-
 7 TECTION ACT OF 2000.—

8 (1) COOPERATION BETWEEN FOREIGN GOVERN-
 9 MENTS AND NONGOVERNMENTAL ORGANIZATIONS.—
 10 Section 107(a)(1)(B) of the Trafficking Victims Pro-
 11 tection Act of 2000 (22 U.S.C. 7105(a)(1)(B)) is
 12 amended by adding at the end before the period the
 13 following: “, and by facilitating contact between rel-
 14 evant foreign government agencies and such non-
 15 governmental organizations to facilitate cooperation
 16 between the foreign governments and such organiza-
 17 tions”.

18 (2) ASSISTANCE FOR FAMILY MEMBERS OF VIC-
 19 TIMS OF TRAFFICKING IN UNITED STATES.—Section
 20 107(b)(1) of the Trafficking Victims Protection Act
 21 of 2000 (22 U.S.C. 7105(b)(1)) is amended—

22 (A) in subparagraph (A), by inserting “, or
 23 an alien classified as a nonimmigrant under
 24 section 101(a)(15)(T)(ii),” after “in persons”;
 25 and

(B) in subparagraph (B)—

(i) by inserting “and aliens classified as a nonimmigrant under section 101(a)(15)(T)(ii),” after “United States,”; and

(ii) by adding at the end the following new sentence: “In the case of nonentitlement programs funded by the Secretary of Health and Human Services, such benefits and services may include services to assist potential victims of trafficking in achieving certification and to assist minor dependent children of victims of severe forms of trafficking in persons or potential victims of trafficking.”.

(3) CERTIFICATION OF VICTIMS OF A SEVERE FORM OF TRAFFICKING IN PERSONS.—Section 107(b)(1)(E) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7105(b)(1)(E)) is amended by adding at the end the following new clause:

“(iv) ASSISTANCE TO INVESTIGATIONS.—In making the certification described in this subparagraph with respect to the assistance to investigation or prosecution described in clause (i)(I), the Sec-

1 retary of Health and Human Services shall
2 consider statements from State and local
3 law enforcement officials that the person
4 referred to in subparagraph (C)(ii)(II) has
5 been willing to assist in every reasonable
6 way with respect to the investigation and
7 prosecution of State and local crimes such
8 as kidnapping, rape, slavery, or other
9 forced labor offenses, where severe forms
10 of trafficking appear to have been in-
11 volved.”.

12 (4) PRIVATE RIGHT OF ACTION.—

13 (A) IN GENERAL.—Chapter 77 of part I of
14 title 18, United States Code, is amended by
15 adding at the end the following new section:

16 **“§ 1595. Civil remedy**

17 “(a) An individual who is a victim of a violation of
18 section 1589, 1590, or 1591 of this chapter may bring
19 a civil action against the perpetrator in an appropriate dis-
20 trict court of the United States and may recover damages
21 and reasonable attorneys fees.

22 “(b)(1) Any civil action filed under this section shall
23 be stayed during the pendency of any criminal action aris-
24 ing out of the same occurrence in which the claimant is
25 the victim.

1 “(2) In this subsection, a ‘criminal action’ includes
 2 investigation and prosecution and is pending until final
 3 adjudication in the trial court.”.

4 (B) CONFORMING AMENDMENT.—The
 5 table of contents of chapter 77 of part I of title
 6 18, United States Code, is amended by adding
 7 at the end the following new item:

“1595. Civil remedy.”.

8 (b) AMENDMENTS TO IMMIGRATION AND NATION-
 9 ALITY ACT.—

10 (1) NONIMMIGRANT ALIEN CLASSES.—Section
 11 101(a)(15)(T) of the Immigration and Nationality
 12 Act (8 U.S.C. 1101(a)(15)(T)) is amended—

13 (A) in clause (i)(III)(bb), by striking “15
 14 years of age,” and inserting “18 years of age,”;
 15 and

16 (B) in clause (ii)(I), by inserting “unmar-
 17 ried siblings under 18 years of age on the date
 18 on which such alien applied for status under
 19 such clause,” before “and parents”.

20 (2) ADMISSION OF NONIMMIGRANTS.—Section
 21 214(n) of the Immigration and Nationality Act (8
 22 U.S.C. 1184(n)) is amended—

23 (A) in paragraph (3), by inserting “sib-
 24 lings,” before “or parents”; and

25 (B) by adding at the end the following:

1 “(4) An unmarried alien who seeks to accompany, or
2 follow to join, a parent granted status under section
3 101(a)(15)(T)(i), and who was under 21 years of age on
4 the date on which such parent applied for such status,
5 shall continue to be classified as a child for purposes of
6 section 101(a)(15)(T)(ii), if the alien attains 21 years of
7 age after such parent’s application was filed but while it
8 was pending.

9 “(5) An alien described in clause (i) of section
10 101(a)(15)(T) shall continue to be treated as an alien de-
11 scribed in clause (ii)(I) of such section if the alien attains
12 21 years of age after the alien’s application for status
13 under such clause (i) is filed but while it is pending.

14 “(6) In making a determination under section
15 101(a)(15)(T)(i)(III)(aa) with respect to an alien, state-
16 ments from State and local law enforcement officials that
17 the alien has complied with any reasonable request for as-
18 sistance in the investigation or prosecution of crimes such
19 as kidnapping, rape, slavery, or other forced labor of-
20 fenses, where severe forms of trafficking in persons (as
21 defined in section 103 of the Trafficking Victims Protec-
22 tion Act of 2000) appear to have been involved, shall be
23 considered.”.

24 (3) ADJUSTMENT OF STATUS.—Section 245(l)
25 of the Immigration and Nationality Act (8 U.S.C.

1 1255(l)) (as added by section 107(f) of Public Law
2 106–386) is amended—

3 (A) in paragraph (1)—

4 (i) by striking “admitted under that
5 section” and inserting “admitted under
6 section 101(a)(15)(T)(ii)”; and

7 (ii) by inserting “sibling,” after “par-
8 ent,”; and

9 (B) in paragraph (3)(B), by inserting “sib-
10 lings,” after “daughters,”.

11 (4) EXEMPTION FROM PUBLIC CHARGE GROUND
12 FOR INADMISSIBILITY.—Section 212(d)(13) of the
13 Immigration and Nationality Act (8 U.S.C.
14 1182(d)(13)), as added by section 107(e)(3) of the
15 Trafficking Victims Protection Act of 2000 (22
16 U.S.C. 7105(e)(3)), is amended—

17 (A) in subparagraph (A), by striking the
18 period at the end and adding the following:

19 “, except that the ground for inadmissibility described in
20 subsection (a)(4) shall not apply with respect to such a
21 nonimmigrant.”; and

22 (B) in subparagraph (B)—

23 (i) by amending clause (i) to read as
24 follows:

25 “(i) subsection (a)(1); and”; and

1 (ii) in clause (ii)—
 2 (I) by striking “such subsection”
 3 and inserting “subsection (a)”; and
 4 (II) by inserting “(4),” after
 5 “(3),”.

6 (5) AGGRAVATED FELONY DEFINED.—Section
 7 101(a)(43)(K)(iii) of the Immigration and Nation-
 8 ality Act (8 U.S.C. 1101(a)(43)(K)(iii)) is amended
 9 to read as follows:

10 “(iii) is described in any of sections
 11 1581–1585 or 1588–1591 of title 18,
 12 United States Code (relating to peonage,
 13 slavery, involuntary servitude, and traf-
 14 ficking in persons);”.

15 **SEC. 5. ENHANCING PROSECUTIONS OF TRAFFICKERS.**

16 (a) SEX TRAFFICKING OF CHILDREN OR BY FORCE,
 17 FRAUD, OR COERCION.—Section 1591 of title 18, United
 18 States Code, is amended—

19 (1) in the heading, by inserting a comma after
 20 “**FRAUD**”;

21 (2) in subsection (a)(1), by striking “in or af-
 22 fecting interstate commerce” and inserting “in or af-
 23 fecting interstate or foreign commerce, or within the
 24 special maritime and territorial jurisdiction of the
 25 United States”; and

1 (3) in subsection (b), by striking “the person
2 transported” each place it appears and inserting
3 “the person recruited, enticed, harbored, trans-
4 ported, provided, or obtained”.

5 (b) DEFINITION OF RACKETEERING ACTIVITY.—Sec-
6 tion 1961(1)(A) of title 18, United States Code is amend-
7 ed by striking “sections 1581-1588 (relating to peonage
8 and slavery)” and inserting “sections 1581-1591 (relating
9 to peonage, slavery, and trafficking in persons).”.

10 (c) CONFORMING AMENDMENTS.—(1) The heading
11 for chapter 77 of part I of title 18, United States Code,
12 is amended to read as follows:

13 **“CHAPTER 77—PEONAGE, SLAVERY, AND**
14 **TRAFFICKING IN PERSONS”.**

15 (2) The table of contents for part I of title 18, United
16 States Code, is amended in the item relating to chapter
17 77 to read as follows:

18 **“77. Peonage, slavery, and trafficking in**
19 **persons”.**

20 **SEC. 6. ENHANCING UNITED STATES EFFORTS TO COMBAT**
21 **TRAFFICKING.**

22 (a) REPORT.—

23 (1) IN GENERAL.—Section 105(d) of the Vic-
24 tims of Trafficking and Violence Protection Act of

1 2000 (22 U.S.C. 7103(d)) is amended by adding at
2 the end the following new paragraph:

3 “(7) Not later than May 1, 2004, and annually
4 thereafter, the Attorney General shall submit to the
5 Committee on Ways and Means, the Committee on
6 International Relations, and the Committee on the
7 Judiciary of the House of Representatives and the
8 Committee on Finance, the Committee on Foreign
9 Relations, and the Committee on the Judiciary of
10 the Senate, a report on Federal agencies that are
11 implementing any provision of this division, or any
12 amendment made by this division, which shall in-
13 clude, at a minimum, information on—

14 “(A) the number of persons who received
15 benefits or other services under section 107(b)
16 in connection with programs or activities fund-
17 ed or administered by the Secretary of Health
18 and Human Services, the Secretary of Labor,
19 the Board of Directors of the Legal Services
20 Corporation, and other appropriate Federal
21 agencies during the preceding fiscal year;

22 “(B) the number of persons who have been
23 granted continued presence in the United
24 States under section 107(c)(3) during the pre-
25 ceding fiscal year;

1 “(C) the number of persons who have ap-
2 plied for, been granted, or been denied a visa or
3 otherwise provided status under section
4 101(a)(15)(T)(i) of the Immigration and Na-
5 tionality Act (8 U.S.C. 1101(a)(15)(T)(i)) dur-
6 ing the preceding fiscal year;

7 “(D) the number of persons who have been
8 charged or convicted under one or more of sec-
9 tions 1581, 1583, 1584, 1589, 1590, 1591,
10 1592, or 1594 of title 18, United States Code,
11 during the preceding fiscal year and the sen-
12 tences imposed against each such person;

13 “(E) the amount, recipient, and purpose of
14 each grant issued by any Federal agency to
15 carry out the purposes of sections 106 and 107
16 of this Act, or section 134 of the Foreign As-
17 sistance Act of 1961, during the preceding fis-
18 cal year;

19 “(F) the nature of training conducted pur-
20 suant to section 107(c)(4) during the preceding
21 fiscal year; and

22 “(G) the activities undertaken by the Sen-
23 ior Policy Operating Group to carry out its re-
24 sponsibilities under section 105(f) of this divi-
25 sion.”.

1 (2) CONFORMING AMENDMENT.—Section
2 107(b)(1) of the Victims of Trafficking and Violence
3 Protection Act of 2000 (22 U.S.C. 7105(b)(1)) is
4 amended by striking subparagraph (D).

5 (b) SUPPORT FOR THE TASK FORCE.—

6 (1) AMENDMENT.—The second sentence of sec-
7 tion 105(e) of the Victims of Trafficking and Vio-
8 lence Protection Act of 2000 (22 U.S.C. 7103(e)) is
9 amended by inserting at the end before the period
10 the following: “, who shall be appointed by the
11 President, by and with the advice and consent of the
12 Senate, with the rank of Ambassador-at-Large”.

13 (2) APPLICABILITY.—The individual who holds
14 the position of Director of the Office to Monitor and
15 Combat Trafficking of the Department of State may
16 continue to hold such position notwithstanding the
17 amendment made by paragraph (1).

18 (c) SENIOR POLICY OPERATING GROUP.—

19 (1) AMENDMENT.—Section 105 of the Victims
20 of Trafficking and Violence Protection Act of 2000
21 (22 U.S.C. 7103) is amended by adding at the end
22 the following new subsection:

23 “(f) SENIOR POLICY OPERATING GROUP.—

1 “(1) ESTABLISHMENT.—There shall be estab-
2 lished within the executive branch a Senior Policy
3 Operating Group.

4 “(2) MEMBERSHIP; RELATED MATTERS.—

5 “(A) IN GENERAL.—The Operating Group
6 shall consist of the senior officials designated as
7 representatives of the appointed members of the
8 Task Force (pursuant to Executive Order
9 13257 of February 13, 2002).

10 “(B) CHAIRPERSON.—The Operating
11 Group shall be chaired by the Director of the
12 Office to Monitor and Combat Trafficking of
13 the Department of State.

14 “(C) MEETINGS.—The Operating Group
15 shall meet on a regular basis at the call of the
16 Chairperson.

17 “(3) DUTIES.—The Operating Group shall co-
18 ordinate activities of Federal departments and agen-
19 cies regarding policies (including grants and grant
20 policies) involving the international trafficking in
21 persons and the implementation of this division.

22 “(4) AVAILABILITY OF INFORMATION.—Each
23 Federal department or agency represented on the
24 Operating Group shall fully share all information
25 with such Group regarding the department or agen-

1 cy’s plans, before and after final agency decisions
2 are made, on all matters relating to grants, grant
3 policies, and other significant actions regarding the
4 international trafficking in persons and the imple-
5 mentation of this division.

6 “(5) REGULATIONS.—Not later than 90 days
7 after the date of the enactment of the Trafficking
8 Victims Protection Reauthorization Act of 2003, the
9 President shall promulgate regulations to implement
10 this section, including regulations to carry out para-
11 graph (4).”.

12 (2) CONFORMING AMENDMENT.—Section 406
13 of the Department of State and Related Agency Ap-
14 propriations Act, 2003 (as contained in division B of
15 Public Law 108–7) is hereby repealed.

16 (d) MINIMUM STANDARDS FOR THE ELIMINATION OF
17 TRAFFICKING.—Section 108(b) of the Victims of Traf-
18 ficking and Violence Protection Act of 2000 (22 U.S.C.
19 7106(b)) is amended—

20 (1) in paragraph (1)—

21 (A) by striking “that take place wholly or
22 partly within the territory of the country” and
23 inserting “, and convicts and sentences persons
24 responsible for such acts, that take place wholly

1 or partly within the territory of the country”;
2 and

3 (B) by adding at the end the following new
4 sentences: “After reasonable requests from the
5 Department of State for data regarding inves-
6 tigations, prosecutions, convictions, and sen-
7 tences, a government which does not provide
8 such data, consistent with the capacity of such
9 government to obtain such data, shall be pre-
10 sumed not to have vigorously investigated, pros-
11 ecuted, convicted or sentenced such acts. Dur-
12 ing the periods prior to the annual report sub-
13 mitted on June 1, 2004, and on June 1, 2005,
14 and the periods afterwards until September 30
15 of each such year, the Secretary of State may
16 disregard the presumption contained in the pre-
17 ceding sentence if the government has provided
18 some data to the Department of State regard-
19 ing such acts and the Secretary has determined
20 that the government is making a good faith ef-
21 fort to collect such data.”;

22 (2) in paragraph (7)—

23 (A) by striking “and prosecutes” and in-
24 serting “, prosecutes, convicts, and sentences”;
25 and

1 (B) by adding at the end the following new
2 sentence: “After reasonable requests from the
3 Department of State for data regarding such
4 investigations, prosecutions, convictions, and
5 sentences, a government which does not provide
6 such data consistent with its resources shall be
7 presumed not to have vigorously investigated,
8 prosecuted, convicted, or sentenced such acts.
9 During the periods prior to the annual report
10 submitted on June 1, 2004, and on June 1,
11 2005, and the periods afterwards until Sep-
12 tember 30 of each such year, the Secretary of
13 State may disregard the presumption contained
14 in the preceding sentence if the government has
15 provided some data to the Department of State
16 regarding such acts and the Secretary has de-
17 termined that the government is making a good
18 faith effort to collect such data.”.

19 (3) by adding the following new paragraphs at
20 the end:

21 “(8) Whether the percentage of victims of se-
22 vere forms of trafficking in the country that are
23 non-citizens of such countries is insignificant.

24 “(9) Whether the government of the country,
25 consistent with the capacity of such government,

1 systematically monitors its efforts to satisfy the cri-
2 teria described in paragraphs (1) through (8) and
3 makes available publicly a periodic assessment of
4 such efforts.

5 “(10) Whether the government of the country
6 achieves appreciable progress in eliminating severe
7 forms of trafficking when compared to the assess-
8 ment in the previous year.”.

9 (e) SPECIAL WATCH LIST.—Section 110(b) of the
10 Trafficking Victims Protection Act of 2000 (22 U.S.C.
11 7107(b)) is amended—

12 (1) by redesignating paragraph (3) as para-
13 graph (4); and

14 (2) by inserting after paragraph (2) the fol-
15 lowing new paragraph:

16 “(3) SPECIAL WATCH LIST.—

17 “(A) SUBMISSION OF LIST.—Not later
18 than the date on which the determinations de-
19 scribed in subsections (c) and (d) are submitted
20 to the appropriate congressional committees in
21 accordance with such subsections, the Secretary
22 of State shall submit to the appropriate con-
23 gressional committees a list of countries that
24 the Secretary determines requires special scru-

1 tiny during the following year. The list shall be
2 composed of the following countries:

3 “(i) Countries that have been listed
4 pursuant to paragraph (1)(A) in the cur-
5 rent annual report and were listed pursu-
6 ant to paragraph (1)(B) in the previous
7 annual report.

8 “(ii) Countries that have been listed
9 pursuant to paragraph (1)(B) pursuant to
10 the current annual report and were listed
11 pursuant to paragraph (1)(C) in the pre-
12 vious annual report.

13 “(iii) Countries that have been listed
14 pursuant to paragraph (1)(B) pursuant to
15 the current annual report, where—

16 “(I) the absolute number of vic-
17 tims of severe forms of trafficking is
18 very significant or is significantly in-
19 creasing;

20 “(II) there is a failure to provide
21 evidence of increasing efforts to com-
22 bat severe forms of trafficking in per-
23 sons from the previous year, including
24 increased investigations, prosecutions
25 and convictions of trafficking crimes,

1 increased assistance to victims, and
2 decreasing evidence of complicity in
3 severe forms of trafficking by govern-
4 ment officials; or

5 “(III) the determination that a
6 country is making significant efforts
7 to bring themselves into compliance
8 with minimum standards was based
9 on commitments by the country to
10 take additional future steps over the
11 next year.

12 “(B) INTERIM ASSESSMENT.—Not later
13 than February 1st of each year, the Secretary
14 of State shall provide to the appropriate con-
15 gressional committees an assessment of the
16 progress that each country on the special watch
17 list described in subparagraph (A) has made
18 since the last annual report.

19 “(C) RELATION OF SPECIAL WATCH LIST
20 TO ANNUAL TRAFFICKING IN PERSONS RE-
21 PORT.—A determination that a country shall
22 not be placed on the special watch list described
23 in subparagraph (A) shall not affect in any way
24 the determination to be made in the following
25 year as to whether a country is complying with

1 the minimum standards for the elimination of
2 trafficking or whether a country is making sig-
3 nificant efforts to bring itself into compliance
4 with such standards.”.

5 (f) ENHANCING UNITED STATES ASSISTANCE.—Sec-
6 tion 134(b) of the Foreign Assistance Act of 1961 (22
7 U.S.C. 2152d(b)) is amended by adding at the end the
8 following new sentence: “Assistance may be provided
9 under this section notwithstanding section 660 of this
10 Act.”.

11 (g) RESEARCH RELATING TO TRAFFICKING IN PER-
12 SONS.—

13 (1) IN GENERAL.—The Victims of Trafficking
14 and Violence Protection Act of 2000 (22 U.S.C.
15 7101 et seq.) is amended by inserting after section
16 112 the following new section:

17 **“SEC. 112A. RESEARCH ON DOMESTIC AND INTERNATIONAL**
18 **TRAFFICKING IN PERSONS.**

19 “The President, acting through the Council of Eco-
20 nomic Advisors, the National Research Council of the Na-
21 tional Academies, the Secretary of Labor, the Secretary
22 of Health and Human Services, the Attorney General, the
23 Secretary of State, the Administrator of the United States
24 Agency for International Development, and the Director
25 of Central Intelligence, shall carry out research, including

1 by providing grants to nongovernmental organizations, as
 2 well as relevant United States Government agencies and
 3 international organizations, which furthers the purposes
 4 of this division and provides data to address the problems
 5 identified in the findings of this division. Such research
 6 initiatives shall, to the maximum extent practicable, in-
 7 clude, but not be limited to, the following:

8 “(1) The economic causes and consequences of
 9 trafficking in persons.

10 “(2) The effectiveness of programs and initia-
 11 tives funded or administered by Federal agencies to
 12 prevent trafficking in persons and to protect and as-
 13 sist victims of trafficking.

14 “(3) The interrelationship between trafficking
 15 in persons and global health risks.”.

16 (2) CONFORMING AMENDMENT.—The table of
 17 contents of the Victims of Trafficking and Violence
 18 Protection Act of 2000 is amended by inserting after
 19 the item relating to section 112 the following new
 20 item:

“Sec. 112A. Research on domestic and international trafficking in persons.”.

21 (h) SANCTIONS AND WAIVERS.—Section 110(d) of
 22 the Trafficking Victims Protection Act of 2000 (22 U.S.C.
 23 7107(d)) is amended—

24 (1) in paragraph (4), by inserting after “non-
 25 humanitarian, nontrade-related foreign assistance”

1 the following: “or funding for participation in edu-
2 cational and cultural exchange programs”; and

3 (2) in paragraph (5)(A)(i), by inserting after
4 “foreign assistance” the following: “or funding for
5 participation in educational and cultural exchange
6 programs”.

7 (i) SUBSEQUENT WAIVER AUTHORITY.—Section 110
8 of the Trafficking Victims Protection Act of 2000 (22
9 U.S.C. 7107) is amended by adding at the end the fol-
10 lowing new subsection:

11 “(f) After the President has made a determination
12 described in subsection (d)(1) with respect to the govern-
13 ment of a country, the President may at any time make
14 a determination described in paragraphs (4) and (5) of
15 subsection (d) to waive, in whole or in part, the measures
16 imposed against the country by the previous determination
17 under subsection (d)(1).”.

18 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS; RELATED**
19 **MATTERS.**

20 Section 113 of the Trafficking Victims Protection Act
21 of 2000 (22 U.S.C. 7110) is amended—

22 (1) in subsection (a)—

23 (A) by striking “105” and inserting
24 “105(e), 105(f)”; and

1 (B) by striking “and \$3,000,000 for each
2 of the fiscal years 2002 and 2003” and insert-
3 ing “, \$3,000,000 for each of the fiscal years
4 2002 and 2003, and \$5,000,000 for each of the
5 fiscal years 2004 and 2005”;

6 (2) in subsection (b), by adding at the end be-
7 fore the period the following: “and \$15,000,000 for
8 each of the fiscal years 2004 and 2005”;

9 (3) in subsection (c)—

10 (A) in paragraph (1) to read as follows:

11 “(1) BILATERAL ASSISTANCE TO COMBAT TRAF-
12 FICKING.—

13 “(A) PREVENTION.—To carry out the pur-
14 poses of section 106, there are authorized to be
15 appropriated to the Secretary of State
16 \$10,000,000 for each of the fiscal years 2004
17 and 2005.

18 “(B) PROTECTION.—To carry out the pur-
19 poses of section 107(a), there are authorized to
20 be appropriated to the Secretary of State
21 \$15,000,000 for fiscal year 2003 and
22 \$10,000,000 for each of the fiscal years 2004
23 and 2005.

24 “(C) PROSECUTION AND MEETING MIN-
25 IMUM STANDARDS.—To carry out the purposes

1 of section 134 of the Foreign Assistance Act of
2 1961, there are authorized to be appropriated
3 \$10,000,000 for each of the fiscal years 2004
4 and 2005 to assist in promoting prosecution of
5 traffickers and otherwise to assist countries in
6 meeting the minimum standards described in
7 section 108 of this Act, including \$250,000 for
8 each such fiscal year to carry out training ac-
9 tivities for law enforcement officers, prosecu-
10 tors, and members of the judiciary with respect
11 to trafficking in persons at the International
12 Law Enforcement Academies.”; and

13 (B) in paragraph (2), by striking “for each
14 of the fiscal years 2001, 2002, and 2003” and
15 inserting “for each of the fiscal years 2001
16 through 2005”;

17 (4) in subsection (d)—

18 (A) by adding at the end before the period
19 the following: “and \$15,000,000 for each of the
20 fiscal years 2004 and 2005”; and

21 (B) by adding at the end the following new
22 sentence: “To carry out the purposes of section
23 134 of the Foreign Assistance Act of 1961 (as
24 added by section 109), there are authorized to
25 be appropriated to the President, acting

1 through the Attorney General and the Secretary
2 of State, \$250,000 for each of fiscal years 2004
3 and 2005 to carry out training activities for law
4 enforcement officers, prosecutors, and members
5 of the judiciary with respect to trafficking in
6 persons at the International Law Enforcement
7 Academies.”;

8 (5) in subsection (e)—

9 (A) in paragraphs (1) and (2), by striking
10 “for fiscal year 2003” each place it appears and
11 inserting “for each of the fiscal years 2003
12 through 2005”; and

13 (B) by adding at the end the following new
14 paragraph:

15 “(3) RESEARCH.—To carry out the purposes of
16 section 112A, there are authorized to be appro-
17 priated to the President \$300,000 for fiscal year
18 2004 and \$300,000 for fiscal year 2005.”;

19 (6) in subsection (f), by adding at the end be-
20 fore the period the following: “and \$10,000,000 for
21 each of the fiscal years 2004 and 2005”; and

22 (7) by adding at the end the following new sub-
23 section:

24 “(g) LIMITATION ON USE OF FUNDS.—

1 “(1) RESTRICTION ON PROGRAMS.—No funds
2 made available to carry out this division, or any
3 amendment made by this division, may be used to
4 promote, support, or advocate the legalization or
5 practice of prostitution. Nothing in the preceding
6 sentence shall be construed to preclude assistance
7 designed to promote the purposes of this Act by
8 ameliorating the suffering of, or health risks to, vic-
9 tims while they are being trafficked or after they are
10 out of the situation that resulted from such victims
11 being trafficked.

12 “(2) RESTRICTION ON ORGANIZATIONS.—No
13 funds made available to carry out this division, or
14 any amendment made by this division, may be used
15 to implement any program that targets victims of se-
16 vere forms of trafficking in persons described in sec-
17 tion 103(8)(A) of this Act through any organization
18 that has not stated in either a grant application, a
19 grant agreement, or both, that it does not promote,
20 support, or advocate the legalization or practice of
21 prostitution. The preceding sentence shall not apply
22 to organizations that provide services to individuals
23 solely after they are no longer engaged in activities
24 that resulted from such victims being trafficked.”.

1 **SEC. 8. TECHNICAL CORRECTIONS.**

2 (a) IMMIGRATION AND NATIONALITY ACT.—

3 (1) CLASSES OF NONIMMIGRANT ALIENS.—Sec-
4 tion 101(a)(15) of the Immigration and Nationality
5 Act (8 U.S.C. 1101(a)(15)) is amended—

6 (A) by moving the margins of subpara-
7 graphs (T) and (U) 2 ems to the left;

8 (B) in subparagraph (T), by striking
9 “214(n),” and inserting “214(o),”;

10 (C) in subparagraph (U), by striking
11 “214(o),” and inserting “214(p),”; and

12 (D) in subparagraph (V), by striking
13 “214(o),” and inserting “214(q),”.

14 (2) CLASSES OF ALIENS INELIGIBLE FOR VISAS
15 AND ADMISSION.—Section 212(d) of the Immigra-
16 tion and Nationality Act (8 U.S.C. 1182(d)) is
17 amended by redesignating the paragraph (13) added
18 by section 1513(e) of the Battered Immigrant
19 Women Protection Act of 2000 (title V of division
20 B of Public Law 106–386; 114 Stat. 1536) as para-
21 graph (14).

22 (3) ADMISSION OF NONIMMIGRANTS.—Section
23 214 of the Immigration and Nationality Act (8
24 U.S.C. 1184) is amended by redesignating sub-
25 sections (m) (as added by section 105 of Public Law
26 106–313), (n) (as added by section 107(e) of Public

1 Law 106–386), (o) (as added by section 1513(c) of
 2 Public Law 106–386), (o) (as added by section
 3 1102(b) of the Legal Immigration Family Equity
 4 Act), and (p) (as added by section 1503(b) of the
 5 Legal Immigration Family Equity Act) as sub-
 6 sections (n), (o), (p), (q), and (r), respectively.

7 (4) ADJUSTMENT OF STATUS OF NON-
 8 IMMIGRANTS.—Section 245 of the Immigration and
 9 Nationality Act (8 U.S.C. 1255) is amended—

10 (A) in the subsection (l) added by section
 11 107(f) of Public Law 106–386, by redesign-
 12 ating the second paragraph (2), and para-
 13 graphs (3) and (4), as paragraphs (3), (4), and
 14 (5), respectively; and

15 (B) by redesignating the subsection (l)
 16 added by section 1513(f) of Public Law 106–
 17 386 as subsection (m).

18 (b) TRAFFICKING VICTIMS PROTECTION ACT OF
 19 2000.—(1) Section 103(7)(A)(i) of the Trafficking Vic-
 20 tims Protection Act of 2000 (22 U.S.C. 7102(7)(A)(i)) is
 21 amended by inserting after “part II of that Act” the fol-
 22 lowing: “in support of programs of nongovernmental orga-
 23 nizations”.

1 (2) Section 107(g) of the Trafficking Victims Protec-
2 tion Act of 2000 (22 U.S.C. 7105(g)) is amended by strik-
3 ing “214(n)(1)” and inserting “214(o)(2)”.

Passed the House of Representatives November 5,
2003.

Attest:

JEFF TRANDAHL,
Clerk.